



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

Deputy Administrator

DEC 01 2008

1200 New Jersey Avenue, SE
Washington, DC 20590

Refer to: MC-PRS

The Honorable Deborah A. P. Hersman
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, DC 20594

Dear Member Hersman:

Thank you for the invitation to submit a supplemental statement to the National Transportation Safety Board (NTSB) as a follow-up to the October 7-8 hearing concerning the fatal motorcoach crash near Victoria, Texas. During this hearing NTSB explored a range of issues related to whether or not a vehicle operating on United States highways was required to display a Federal Motor Vehicle Safety Standards (FMVSSs) certification label, stressing that the motorcoach involved in the crash did not display an FMVSS certification label. I am pleased to offer the following additional comments that the Federal Motor Carrier Safety Administration (FMCSA) believes NTSB should consider in completing its investigation of the crash.

First, I would like to emphasize that FMCSA shares the NTSB's goal of ensuring that all commercial motor vehicles operated in the United States are safe. The FMCSA's mission is to save lives and prevent injuries through education, regulation, enforcement, innovative research and technology.

Applicability of the Federal Motor Carrier Safety Regulations (FMCSRs)

Motor carriers operating in the United States (including Canada- and Mexico-based carriers) are required to comply with all applicable Federal and State motor carrier safety regulations concerning the operation of trucks and buses. If, upon inspection by Federal or State motor carrier safety enforcement personnel, it is determined that a vehicle does not comply with certain FMCSRs, or a serious safety violation that is likely to cause a crash or breakdown is detected, the vehicle will be placed out of service and prohibited from proceeding on the highway until the problem is corrected.

While the motorcoach involved in the Victoria, Texas, crash did not display an FMVSS certification label, neither the testimony of the witnesses, nor the exhibits submitted during the October 7-8 hearing, indicate that the vehicle had any safety defects that are likely to be identified as a probable cause for the crash, or a contributing factor in any passenger injuries.

Additionally, there was no evidence that the vehicle failed to comply with the applicable FMCSRs concerning parts and accessories necessary for safe operation (49 CFR Part 393), including the safety regulations which cross reference the National Highway Traffic Safety Administration's FMVSSs. In fact, the motorcoach in question had been inspected by

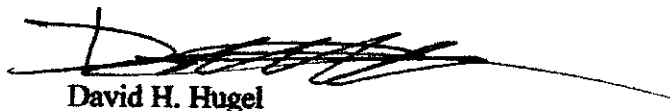
enforcement officials several times in the months preceding the crash, and there was no indication that the vehicle was unsafe for use on public highways.

It should be further noted that despite questions to various witnesses, there was no testimony or documentation presented giving an authoritative estimate of the number of non FMVSS-certified commercial motor vehicles, particularly motorcoaches, that may currently be operating in the United States, or that such vehicles pose a significant safety risk. The FMCSA's request for data on how many non-FMVSS-certified motorcoaches have been involved in crashes resulting in serious injuries or fatalities over the past 5 years has not yet been answered.

It also is worth noting again that vehicles are certified by the manufacturer as complying with the FMVSSs at the time of manufacture or when they are first imported into this country. The fact that a vehicle has an FMVSS certification label is no guarantee that the vehicle currently meets the FMCSRs and is safe to operate on our Nation's highways.

The FMCSA appreciates the opportunity to provide these additional comments to NTSB. We look forward to working with NTSB to improve transportation safety. If you need additional information, please do not hesitate to contact me at 202-366-1927.

Sincerely yours,



David H. Hugel